

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED
SEP 29 1997

FCC MAIL ROOM

In the Matter of)	
)	CC Docket No. 96-45
Federal-State Joint Board on)	DA 97-1957
Universal Service)	

INTRODUCTION AND SUMMARY

The Archdiocese of New York submits these comments in response to the Federal Communications Commission's Public Notice (Notice) in the above-captioned matter, released on September 10, 1997. In the Notice, the Federal Communications Commission (the Commission) requests comment on several issues involving the distribution of universal service support to schools, libraries and rural health care providers and on the E-Rate Implementation Working Group proposal for allocating support to individual institutions that apply for funds on an aggregated basis.

The Archdiocese of New York has been approached by the New York State Department of Public Service (NYDPS) concerning a submission of Comments by NYDPS and the New York State Education Department (NYSED) regarding these matters. The Archdiocese of New York is hereby endorsing and supporting the Comments of NYDPS and NYSED and is adding a strategy of its own in the process of these comments. The Archdiocese of New York welcomes the opportunity to comment on these very important issues and, in sum, submits the following comments:

- I. Schools That Do Not Participate in the Federal Lunch Program Should Be Entitled to a Fixed, Minimum Discount During the Startup Period.

The Commission seeks comment on whether other methods might ensure a broad and fair distribution of funds, particularly at the earliest stages of

these support programs. Along with the NYDPS and NYSED the Archdiocese of New York believes that this specific call for comments hits upon a particularly critical issue for schools that do not participate in the national school lunch program. As the program is currently structured, those schools participating in the national school lunch program ("participating schools") have a distinct advantage.

The comments already sent by NYDPS and NYSED point out the reasons for extending an assumption of a 20% poverty level for the initial funding period, January 1 -June 30, 1998, which would impart a reasonable 50% urban/60% rural discount for the initial period. We feel we can support such a procedure as laudable and to the point. But we feel that such a solution 1) only "buys time" and therefore constitutes a temporary measure, and 2) does not do justice to the many schools which would warrant the higher discounts of 60%, 70%, 80% and 90%. Let this be clear: among the nonpublic schools of the nation the Archdiocese of New York has the highest concentration of Title 1 schools, close to 100 in New York City alone. That means we have a high number of schools which will fall into the 80-90% category of poverty discounts.

II. Nonpublic Schools That Have a Lower Per Pupil
Expenditure Than the Public Schools in their District
Should Be Able to Assume the Same Poverty
Percentage As the Public Schools in their District.

The Archdiocese of New York has some 294 elementary and secondary schools in the State of New York, with approximately 106,000 students. In filing these comments, we are also responding to the needs of the vast number of schools and students in the other seven Roman Catholic dioceses of New York State. We are also being sensitive to the needs of the hundreds of Jewish Day Schools as well. There are a total of 2,139 nonpublic schools in the State of New York, with a total student body of approximately 480,000 students. We feel that our concerns represent the concerns of most, if not all, of these schools and students.

Approximately 80% of the nonpublic schools of our State and in the nation do not have the federal lunch program in their schools. By contrast almost 100% of the public schools do offer this federal lunch program. This means that almost all the public schools have poverty data for their students while only some 20% of the nonpublic schools have such data readily at hand. Getting such data with any kind of accuracy and comprehensiveness is a difficult and time-consuming process, not to mention its essential and unnecessary intrusiveness into the private lives and financial conditions of millions of American citizens.

Why should a program having to do with Telecommunications discounts intrude on citizens' privacy like this in the first place? What do the financial needs of parents who send their children to a school have to do with a school's financial ability to afford to spend money on telecommunications? For instance, it is common knowledge that some 99% of Catholic schools nationwide are heavily subsidized over and above what is received in tuitions and bake sales and the like. **All of our students receive tuition assistance**, from this point of view. Do you want Catholic schools to say that 100% of their students receive tuition assistance, and that therefore they should claim 100% poverty? These are important questions which remain unanswered for us. Meanwhile it strikes us that there is tremendous insensitivity at high levels regarding the onerous and odious task of seeking poverty information for a government program that does not put food directly into the mouths of the children of the poor.

In filing these comments which are ultimately in search of relief from the requirement to gather such poverty data from hundreds of thousands of parents and guardians who know little or nothing about the future potential for telecommunications discounts in our schools, we are combining in a unique manner some proposals that were put before the FCC earlier in separate and disconnected proposals. We feel our new proposal has the merits of fairness and simplicity.

1. First, a nonpublic school must have a per pupil expenditure that is less than the per pupil expenditure of the public school district in which it is located.

2. Second, the nonpublic school would then have the **option** of using the poverty percentage of the public school district in which it is located.

The first condition would rule out any situation whereby wealthy private schools could assume the same poverty rates as the public schools since the wealthy private schools would have a higher per pupil expenditure than the public schools. Last week a National Public Radio report quoted a New York State Education Department official to the effect that the public schools of New York State spend about \$8,700 per pupil. By contrast the Catholic schools of this State average about \$2,450 for elementary schools and \$4,400 for high schools. Surely a school which spends half to a third of another school, must be thought to be able to afford less for telecommunications expenses than the school that spends two to three times more. Meanwhile it is unnecessary to add that wealthy private schools tend to spend in the tens of thousands of dollars per student.

The second condition gives the nonpublic school two options: 1) to use the poverty percentage of the public school in which it is located, OR 2) to use its own poverty survey. If the school falls into the category of the 20% of nonpublic schools that have the federal lunch program, then it may choose to use that data, especially if its own poverty count is decisively higher than that of the public school's district in which it is located.

Please note: we repeatedly used the phrase "the public school district in which the nonpublic school is located." It has come to our attention that some public school districts are reported to be dividing up their districts for the purpose of maximizing their poverty percentages. That is, they are separating their poorer from their wealthier areas. Or, instead of using an average figure for the whole district for their poverty count, they are going school-by-school. This present proposal suggests

that the nonpublic school which chooses this option would have to go along with whatever plan the public schools used in their districts for this program.

In the event that a nonpublic school is located between two public school zones that were being counted separately by their district, the nonpublic school would have to use the same procedures and precedents already in place in the Title 1 program. At the risk of seeming to complicate this matter, let us offer the following example. If a nonpublic school of 400 students is located halfway between two such public schools and has 200 students that live in each public school zone. then each group of 200 would have to take the respective public school poverty percentages. If one public school has 25% poverty (for 50 students) and the other 75% poverty (for 150 students), the nonpublic school's poverty (200 students) would average out to 50% in such a case.

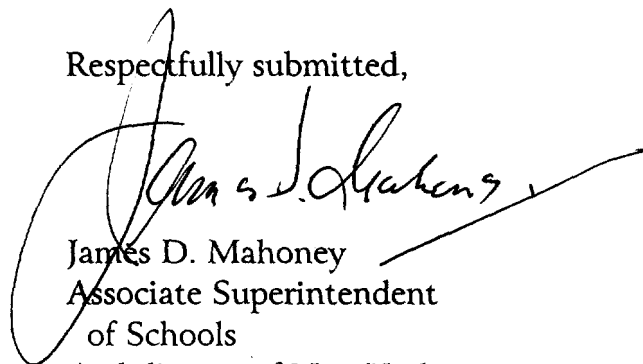
In the event that the public school district was pooling all its schools' figures for an aggregate proposal for the whole district, then that would be the percentage that the nonpublic school (with a lower per pupil expenditure, let us repeat) would have to adopt in order to avoid doing its own poverty count.

In sum, let us repeat: our own proposal does not offer merely a temporary measure but a final solution. It also would move our schools in New York City closer to the higher discounts they merit because that is where the public schools' discounts will range.

CONCLUSION

The Archdiocese of New York submits the foregoing proposals and urges their incorporation into the School and Library and Rural Health Care Provider USF programs.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James D. Mahoney", is written over the typed name and title.

James D. Mahoney
Associate Superintendent
of Schools
Archdiocese of New York
New York, New York, 10022
(212) 371-1000

Dated: September 25, 1997
New York, New York